

**Minutes of the Personnel Committee**  
**Tuesday, October 18, 2011**

Chair Paulson called the meeting to order at 1 p.m.

**Present:** Supervisors Duane Paulson, Gilbert Yerke, Paul Decker, Peter Gundrum, Daniel Draeger, Jim Heinrich, Steve Wimmer.

**Also Present:** Chief of Staff Mark Mader, Senior Human Resources Analyst Renee Gage, Labor Relations Manager Jim Richter, Program and Projects Analyst Windy Jicha, Martha Merrill (AFSCME Council 140), Linda Senger (AFSCME Local 902-Social Workers), Carla Rodriguez (AFSCME Local 902-Social Workers).

**Public Comment**

Speaking on behalf of Waukesha County AFSCME union employees, Merrill said the county's proposal to change the overtime policy as outlined in Ordinance 166-O-064 includes significant and serious changes for workers. The major changes include overtime paid out after 40 hours of work (instead of after eight hours) and the county's ability to modify work schedules to avoid payment of overtime. The unions understand the county needs to reduce costs but are opposed a policy change that will give the county carte blanche control over employees' lives. With the reduction of overtime pay possibilities and recent changes in mandatory employee contributions to the Wisconsin Retirement System (WRS), many employees are having a hard time making ends meet and need to find part-time employment, which will be challenging with Waukesha County's unpredictable work schedules. There is a valid purpose for overtime: to insure employees' time is not monopolized by employers and to provide compensation when employees are away from their families on nights and weekends.

Merrill said Waukesha County property taxes have increased 0.4% over the last five years and achieved its goals with the current overtime policies in place. Employees will be financially challenged with the overtime policy changes in a year when they have already made so many financial sacrifices. Lastly, she requests wage increases for employees who have not received raises since January 2010.

Rodriguez explained she is a social worker with the Waukesha County Department of Health and Human Services (HHS) and appearing on her own time with supervisor approval. Rodriguez said because the AFSCME Local 902-Social Workers voted to not go through certification, there is nothing stopping the Personnel Committee from addressing wage increases for this group. The AFSCME Local 902-Social Workers is ready to send in proposals for fair modification of the county's overtime policies.

Senger said has been a social worker with the Waukesha County Department of Health and Human Services (HHS) for 21 years and is appearing on her own time with supervisor approval. A letter was sent to the Waukesha County Board and Human Resources within the 60-day timeline alerting the county that the AFSCME Local 902-Social Workers has chosen not to certify. Many in the union wonder how the county will respond to wage adjustments seeing as the group has not had a contract since 2010 and employees have had to make sacrifices this year for health insurance, Wisconsin Retirement System (WRS) contributions and other matters. AFSCME Local 902-Social Workers should

be treated as non-represented employees. In regards to the recently approved grievance procedures, Senger said she would like clarification about which employees are covered by the merit system cause standard. The wording in the ordinance states, "...regular full-time and regular part-time non-represented employees employed in HHS prior to March 1, 2002." It is not fair to have a two-tiered employee standards system.

### **Approve Minutes of Previous Meeting**

Motion: Decker moved, Draeger second, to approve the minutes of October 4, 2011. Motion carried 7-0.

### **Schedule Next Meeting Date**

- November 8, 2011

### **Executive Committee Report of October 17, 2011**

Paulson said on October 17, the Executive Committee heard a report on Wisconsin and Southern Railroad 2010 operations and approved operational audit scopes for the Information Technology (IT) Division and County Clerk's Office, an appointment and Ordinance 166-O-059.

### **Ordinance 166-O-063: Approve 2012 Position Changes through Creation, Abolishment, and Reclassification**

Paulson asked how many of the positions set to be unfunded and/or abolished are vacant or currently filled? Richter provided the following information on positions, which is outlined in table I of the ordinance.

The following positions were unfunded in 2008, currently vacant and proposed to be abolished:

<b>Quantity</b>	<b>Classification</b>	<b>Department</b>
1	Information Technology (IT) Technician	Administration
2	Senior IT Professional	Administration
2	Clerk Typist II	Corporation Counsel
1	Account Clerk I	Corporation Counsel
1	Account Clerk I	Health and Human Services (HHS)
1	Land Information Mapping Technician	Parks and Land Use

The status of positions proposed for abolishment is noted below.

<b>Quantity</b>	<b>Classification</b>	<b>Department</b>	<b>Status</b>
1	Office Services Coordinator	HHS	Vacant
1	Senior Mental Health Counselor	HHS	Vacant
4	Juvenile Center Worker	HHS	Funded and filled (1 part-time)
5	Building Service Worker I/II	Public Works	Funded and filled (layoffs expected)
1	Clerk Typist I/II	Treasurer	Funded and vacant

Yerke asked what happens if the proposed budget amendment to keep females in Waukesha County's Juvenile Center is approved? Richter said if the amendment is approved, an ordinance will be needed to reestablish the positions.

Motion: Decker moved, Heinrich second, approve Ordinance 166-O-063. Motion carried 7-0.

**Discuss and Consider Revised/New Classification Specifications**

Paulson said classification specifications were discussed at the October 4 meeting. Richter said all committee suggested changes to classification specifications were made.

Motion: Draeger moved, Wimmer second, to approve the revised/new classification specifications as presented. Motion carried 7-0.

**Ordinance 166-O-064: Approve Modifications to County Overtime Policy**

Richter said changes to the county's overtime policy outlined in this ordinance take effect November 19, 2011 for non-represented employees eligible for overtime and employees represented by AFSCME Social Workers, Public Health Nurses and Park Maintenance Workers and the Teamsters Unions. The new overtime policy will take effect January 1, 2012 for all employees represented by the AFSCME Master Unit except for Juvenile Center Workers. The policy changes will help county departmental budgets such as Public Works that have lost significant state revenues.

Richter said if this ordinance is approved, eligible employees will receive overtime at time and one-half for all hours worked in excess of 40 hours per week. Departments may modify or adjust employees' work schedules in order to avoid overtime payments. In the past, eligible employees received overtime pay for time worked in excess of eight hours. There is no accompanying fiscal note because this action produces cost avoidance. Mader said the savings is indeterminate. Richter said the changes should allow savings in normal years. Savings could be eliminated during years with heavy snowfalls.

Richter provided the following examples:

- An employee begins plowing at 3 a.m. and is sent home after eight hours.
- Parks workers scheduled to work Saturdays or Sundays will be given days off between Monday and Friday.
- Departmental schedules will be adjusted with consideration to workload to avoid paying overtime.

Paulson asked does the state reimburse the county for overtime plowing? Richter said the state reimburses the county for overtime but the county has to plow state and county roads.

Paulson said employees are making less money, paying into their pension and no longer getting overtime pay. He asked will the overtime policy changes produce substantial savings for the county? Richter said he fully expects there to be significant savings especially since supervisors can dismiss employees early when no longer needed. Paulson said he does not understand how the new policies will be administered or the workweek affected. Richter said supervisors will work with employees to work out scheduling issues according to department needs and coverage. Per Paulson's request, Richter gave his assurance that the new policies will not be used as punitive measures to assign work but changes will be made to make work operations more effective.

In response to Yerke's question, Richter said snowplow drivers will work if/when the county needs them to work. Decker said snowplow drivers will not be paid overtime until they have put in 40 hours in a week. Richter confirmed this was true and said drivers will manage the work as best they can. Decker asked when an employee's schedule needs to be altered, will supervisors ask and take into consideration employees' needs and requests? Richter said adjustments will be made throughout the year. Under the new policy, employees will request how they want to be compensated for overtime: pay or compensatory (comp) time, but supervisors will make the final decisions taking into consideration funding sources (i.e. state versus county). All unused comp time is paid out at time and one-half at yearend. Most departments incur little overtime.

Heinrich said the ordinance does not address weeks with holiday or vacation pay. Richter said that is covered in section 3B: "All time paid for will be considered as hours worked." The policy remains the same with paid holidays, vacation, funeral leave, etc. counted as total hours worked. A strict interpretation of the Fair Labor Standards Act will produce more savings for the county. Richter noted that employees who work overtime and use sick time in the same week are required to adjust their work schedules to avoid using sick leave and overtime.

Draeger asked to what extent are employees complaining about scheduling? Richter said the fact that there are few grievances indicates this is not a big problem. Communication, scheduling and advanced notice are key factors to success along with Waukesha County's quality supervisors and employees understanding what needs to be done.

Mader said he understands the county has guidelines for plow truck operators' to make sure employees are not driving too many hours.

Richter said employees who are called in to work at a time other than their scheduled starting time are guaranteed to be paid at least two hours of pay at time and one-half. This rule does not apply to employees who are called into work early who then continue working their regular shifts. Wimmer said what Richter just explained is not accurately reflected in the ordinance and subject to many different interpretations. Richter said this is the current practice in labor contracts and county policy. It has been written this way forever.

Yerke asked will these changes allow supervisors to alter employees' work schedules in anticipation of forecasted storms that occur at the end of the week? Richter said it does not work that way. Supervisors plan for contingences and make sure employees are available to work.

Draeger asked can hours worked outside of the normal workweek be used for missed work time? Richter said only normal work days can be counted for overtime pay.

Yerke questioned, so employees working weekends are always paid time and one-half? Richter said scheduled weekend hours are not overtime. Schedules of those who work weekends are adjusted to avoid overtime. Yerke said he would like to review this policy in one year.

Wimmer said he will vote for the ordinance but does not want to see supervisors devising disruptive schedules such as four hours per day, four days per week. Richter said employees will not be put on

bus drivers' schedules. Last year the county employed ten seasonal, temporary employees to plow at night and it work really well. Supervisors can give employees time off once they have worked or anticipate working 40 hours in a week. Wimmer would like to review this policy in one year to see how it it working.

Draeger said he is concerned that this new policy will hurt employees. Can schedule issues be grieved? Richter said he is not concerned about employees getting hurt by this policy. Employees can grieve scheduling issues.

Paulson said he is governed by laws rather than emotions but still empathizes with the employees. He cannot find any reason to vote against this ordinance.

Motion: Yerke moved, Draeger second, to approve Ordinance 166-O-064. Motion carried 7-0.

### **Discuss and Consider Changes to the County's Personnel Policies and Procedures as They Pertain to Funeral Leave, Jury Duty and Witness Services, Sick Leave and Holidays**

Paulson said many of the changes were previously included in union contracts. Richter said changes to the Administrative Policy and Procedure Manual are a result of dissolution of collective bargaining and become effective January 1, 2012. In the handouts committee members received prior to the meeting, deletions are crossed out and additions are underlined.

#### Section 900: Funeral Leave

Richter said changes to section 900 provide the same funeral benefits for all employees. Funeral time is provided to employees to attend to funeral issues. It is not bereavement leave.

Motion: Wimmer moved, Heinrich second, to approve section 900 (Funeral Leave) of the Administrative Policy and Procedure Manual updates. Motion carried 7-0.

#### Section 1300: Jury Duty and Witness Services

Richter said changes to this section provide consistency to all employees. Waukesha County pays employees who participate in jury duty and provide witness services unless the witnesses are an adverse party to the county. Employees suing the county are not eligible for witness pay.

Motion: Heinrich moved, Yerke second, to approve section 1300 (Jury Duty and Witness Services) of the Administrative Policy and Procedure Manual updates. Motion carried 7-0.

#### Section 2610: Sick Leave

Richter said changes to section 2610 include:

- Elimination of new employee probationary periods.
- Overtime policy adjustments as outlined in Ordinance 166-O-064.
- Dependant care expanded to include "legal wards."
- All references to non-represented employees and unions is has been deleted except references and policies affecting WPPA.

- Public Health Nurses who retire at the age of 65 with 20 years of creditable service, will receive the same contribution into their Retirement Health Savings Plan (65% of sick leave accumulation) as all other employees.

In response to Draeger's question, Richter said foster children are not considered legal wards. Yerke questioned Richter's response. Decker said a legal description of legal wards and foster children is needed. Richter said he could look into this and make a presentation to the committee in January 2012. Changes can always be made to the policies.

Motion: Decker moved, Yerke second, to approve section 2610 (Sick Leave) of the Administrative Policy and Procedure Manual updates. Motion carried 7-0.

#### Section 1200: Holidays

Richter said changes made to this section are related to the elimination of collective bargaining (except WPPA).

Motion: Yerke moved, Decker second, to approve section 1200 (Holidays) of the Administrative Policy and Procedure Manual updates. Motion carried 7-0.

Richter said he would provide paper copies of the Administrative Policy and Procedure Manual since supervisors do not have access to the electronic version posted on the Waukesha County intranet.

Motion: Gundrum moved, Decker second, to adjourn the meeting at 2:36 p.m. Motion carried 7-0.

Respectfully submitted,

Gilbert W. Yerke  
Secretary